

REMARKS

Claims 1-9 are all the claims pending in the present application¹.

As a preliminary matter, the pending claims were previously rejected under 35 U.S.C. § 112, first paragraph and second paragraph. The Examiner indicates on page 2 that these rejections are maintained, however the body of the Office Action does not indicate that the claims are rejected under 35 U.S.C. § 112, first paragraph and second paragraph. If the Examiner wishes to maintain the rejection under 35 U.S.C. § 112, first and second paragraph, Applicants respectfully request that the Examiner issue a new Non-Final Office Action indicating that the claims are rejected under 35 U.S.C. § 112, first and second paragraph.

Further, to the extent that the Examiner wishes to know the meaning of “assigning”, Applicants submit that one of ordinary skill in the art in view of Merriam Webster’s dictionary would understand that assign can mean, for example, to ascribe or attribute to. Each and every word in a claim does not have to be explicitly defined in the specification, and, in this case, one of ordinary skill in the art would certainly understand the meaning of the word “assigning,” and therefore no definition is necessary.

In summary, the Examiner maintains the previous prior art rejections as set forth in the previous Office Action. Further, the Examiner adds new references to support the rejections of claims 1-9. The new references are Ricart et al. (U.S. Patent No. 6,510,450) and Dietterich et al. (U.S. Patent No. 6,647,393). The specific claim rejections are as follows.

Claims 1-9 remain rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1-3 and 9 remain rejected under 35 U.S.C. § 103(a) as

¹ Claim 1 is amended to delete a typographical error.

allegedly being unpatentable over Menzies et al. (U.S. Patent No. 6,317,748) in view of “Official Notice.” Claim 4 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menzies and “Official Notice”, and in view of Skog et al. (U.S. Patent No. 6,385,650). Claims 5 and 6 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menzies in view of Collin et al. (U.S. Patent No. 6,687,761), and “Official Notice.” Claims 7 and 8 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menzies and “Official Notice,” and in view of Fiszmann et al. (U.S. Patent No. 6,115,646). Claims 1-9 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ricart. Finally, claims 1-9 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Dietterich.

§ 101 Rejections – Claims 1-9

Applicants maintain their previously submitted arguments traversing the rejections under 35 U.S.C. § 101, as the Examiner does not substantively add to the previous arguments relating to the rejections under 35 U.S.C. § 101.

Prior Art Rejections (previously applied references)

The Examiner substantially maintains the same rational with respect to previously applied references. Therefore, Applicants maintain the previously submitted arguments regarding the patentability of claims 1-9 over the previously applied references.

At least based on the previously submitted arguments, Applicants maintain that the claimed invention is patentably distinguishable over the previously applied references.

The newly applied references are discussed below.

§ 102(e) Rejections (Ricart) - Claims 1-9

Claims 1-9 are rejected over Ricart based on the reasons set forth on pages 9-12 of the present Office Action. Applicants traverse these rejections at least based on the following reasons.

Ricart is directed to methods, signals, devices, and systems for locating and retrieving files, objects, and other items in a network. Nametags are distributed through the network with the items. Each nametag may hold logical names identifying the item, names of the volatile copies of the item, and/or names of nonvolatile copies of the item. Thus, nametags may include names from multiple name spaces, and cached items can be identified expressly. *See Abstract of Ricart.*

With respect to independent claim 1, the Examiner simply recites all of the features of claim 1, and generally cites different columns 4, 6 and 11 of Ricart as allegedly satisfying the features of claim 1. The Examiner does not identify with any particularity any line numbers, figures, etc., of Ricart that satisfy the claimed features of claim 1. For example, upon Applicants' review of the cited portions of Ricart, there is no teaching or suggestion of a central directory that stores information related to objects in a data structure at a root of a tree.

Further, there is no teaching or suggestion of, "assigning to a father object in a process, for each of one or more son objects, information corresponding to a physical address when at least one of said each of one or more son objects is contained in a same process," or "assigning to a father object in the process, for each of one or more son objects, information referring back to said central directory when another at least one of said each of one or more son objects is not contained in the same process," as recited in claim 1. In particular, the Examiner has not demonstrated where Ricart shows the various operations shown in claim 1. Further, the Examiner has not demonstrated where Ricart shows the particular operations being performed when the above-emphasized conditions are present, as described in claim 1.

Yet further, Ricart does not indicate what allegedly corresponds to the claimed "father object" and "process," which are terms recited in claim 1.

At least because the above discussed features are not satisfied by Ricart, Applicants submit that Ricart clearly does not anticipate claim 1.

Applicants submit that dependent claims 2-9 are patentable at least by virtue of their direct or indirect dependencies from independent claim 9.

Further, with respect to the dependent claims, similar to claim 1, the Examiner generally simply cites various columns of Ricart as allegedly satisfying the particular features of each of the dependent claims. However, upon Applicants' independent review of Ricart, the specific features that are recited in the dependent claims are nowhere taught or suggested by Ricart. If the Examiner wishes to continue to rely on Ricart as allegedly satisfying the features of claims 2-9, Applicants respectfully request that the Examiner cite with particularity the portions of Ricart that he believes satisfies the claimed features of the dependent claims, as Applicants have not found any portions of the cited reference that satisfy the claimed invention.

§ 102(e) Rejections (Dietterich) - Claims 1-9

Claims 1-9 are rejected over Dietterich based on the reasons set forth on pages 12-15 of the present Office Action.

Applicants maintain similar arguments to those set forth above with respect to Ricart, as the Examiner similarly only cites general columns of Dietterich as allegedly satisfying the claimed features. Further, upon Applicants' independent review of Dietterich, the specific features of claims 1-9 are not satisfied by Dietterich.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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